



3. Having come to an agreeable resolution of the claims filed, Plaintiff and the Baylor Defendants now move to dismiss the lawsuit.

4. Plaintiff would also like to dismiss his claims against Defendant Dallas Medical Center, LLC d/b/a Dallas Medical Center.

5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

6. A receiver has not been appointed in this case.

7. This case is not governed by any federal statute that requires a court order for dismissal of the case.

8. Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.

9. This dismissal is with prejudice.

### **CONCLUSION**

10. For these reasons, Plaintiff and the Baylor Defendants ask the Court to dismiss the lawsuit with prejudice.

Respectfully Submitted,

By: /s/ Kay L. Van Wey

Kay L. Van Wey

Texas Bar No. 20461950

VAN WEY LAW, PLLC  
12720 Hillcrest Road, Suite 725  
Dallas, Texas 75230  
(214) 329-1350  
(800) 582-1042 Facsimile  
[Kay@vanweylaw.com](mailto:Kay@vanweylaw.com)

**COUNSEL FOR PLAINTIFF**

By: /s/ Cory M. Sutker

John A. Scully  
Texas Bar No. 17936500  
Cory M. Sutker  
Texas Bar No. 24037569

COOPER SCULLY, P.C.  
900 Jackson, Suite 100  
Dallas, Texas 75202  
(214) 712-9500  
(214) 712-9540 Facsimile  
[John.scully@cooperscully.com](mailto:John.scully@cooperscully.com)  
[Cory.sutker@cooperscully.com](mailto:Cory.sutker@cooperscully.com)

**COUNSEL FOR BAYLOR  
DEFENDANTS**

By: /s/ David Lunningham

David Lunningham  
Texas Bar No. 12698850

WATSON, CARAWAY, MIDKIFF & LUNINGHAM,  
LLP  
309 West 7th Street  
1600 Oil & Gas Building  
Fort Worth, Texas 76102  
(817) 870-1717  
(817) 338-4842 Facsimile  
[dlunningham@watsoncaraway.com](mailto:dlunningham@watsoncaraway.com)

**COUNSEL FOR DEFENDANT DALLAS  
MEDICAL CENTER, LLC d/b/a DALLAS  
MEDICAL CENTER**

By: /s/ Scott A. Keller

Scott A. Keller  
Texas Bar No. 24062822

ATTORNEY GENERAL OFFICE  
209 West 14th Street  
P.O. Box 12548 (MC-059)  
Austin, Texas 78711-2548  
(512) 936-1700  
(512) 474-2697 Facsimile  
[scott.keller@texasattorneygeneral.gov](mailto:scott.keller@texasattorneygeneral.gov)

**COUNSEL FOR THE STATE OF TEXAS**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15<sup>th</sup>, 2015, I electronically filed the Certificate of Service with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this matter.

/s/ Kay L. Van Wey

Kay L. Van Wey

**COUNSEL FOR PLAINTIFF**